

Version with Markings to Show Changes Made

1. (Twice Amended) A cordless telephone, comprising:
a remote handset;
a base unit matched to said remote handset; and
an MPEG audio player integrated within at least one of said remote handset and said base unit;

wherein said remote handset can adaptively switch between performing as a telephony device and performing as said MPEG audio player.

REMARKS

Claim 1 is amended herein. Claims 1, 2, 4-15, 17-25, 27 and 28 remain pending in the application.

Claims 1-2 over Borland in view of Rostoker

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being obvious over Borland, U.S. Patent No. 6,343,217 (“Borland”) in view of Rostoker et al., U.S. Patent No. 6,035,212 (“Rostoker”). The Applicants respectfully traverse the rejection.

Claims 1 and 2 recite, *inter alia*, an MPEG audio player integrated within at least one of a remote handset and a base unit, wherein the remote handset can adaptively switch between performing as a telephony device and the MPEG audio player.

Borland appears to teach a digital cordless telephone system using lossless pulse code modulation (PCM) for encoding an audio signal (Abstract). The system uses an uncompressed encoding scheme to reduce costs and improve the quality of implementation (Borland, col. 4, lines 14-52).

The Office Action correctly acknowledged that Borland fails to teach an MPEG audio player integrated within at least one of a remote handset and a base unit. However, the Office Action relies on Rostoker to allegedly make up for the deficiencies in Borland to arrive at the claimed invention. The Applicants respectfully disagree.

Rostoker appears to teach a wireless communication device that may take the form of a cellular telephone, a portable communication device or a personal computer that can communicate over a cellular network (Abstract). The wireless communication device is configured to self adapt to various operating frequencies and communication protocols (Rostoker, Abstract). The wireless communication device is able to recognize various compression schemes including motion picture experts group (MPEG), MPEG1, MPEG2 and MPEG4 video compressions (Rostoker, col. 13, line 60 – col. 14, line 10).

Rostoker’s data compression is utilized for video NOT audio, as claimed by claims 1 and 2. Rostoker fails to teach an MPEG audio player

integrated within at least one of a remote handset and a base unit, much less wherein the remote handset can adaptively switch between performing as a telephony device and the MPEG audio player, as claimed by claims 1 and 2.

Moreover, although Borland recognizes various compression schemes within the digital cordless telephone art, none of which are MPEG (Borland, col. 3, line 64 – col. 4, line 2). A central focus of Borland's invention is to NOT use compression (Borland, col. 4, lines 14-16). Borland teaches away from using any type of compression within a cordless telephone to save cost. Therefore, it could not be obvious to add any type of data compression to Borland's system which teaches to operate without data compression.

Neither Borland nor Rostoker, either alone or in combination, disclose, teach or suggest an MPEG audio player integrated within at least one of a remote handset and a base unit, wherein the remote handset can adaptively switch between performing as a telephony device and the MPEG audio player, as claimed by claims 1 and 2.

Accordingly, for at least all the above reasons, claims 1 and 2 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 4-7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28 over Borland in view of Rostoker and Razavi

In the Office Action, claims 4-7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Borland in view of Rostoker, and further in view of Razavi et al., U.S. Patent No. 6,253,122 ("Razavi"). The Applicants respectfully traverse the rejection.

The Applicants respectfully suggest that the need to combine as many as three (3) separate patents to allegedly arrive at the presently claimed invention is evidence of the non-obviousness of the present invention.

Claims 4 and 5 are dependent on claim 1, and are allowable for at least the same reasons as claim 1.

Claims 4 and 5 recite, *inter alia*, an MPEG audio player integrated within at least one of a remote handset and a base unit, wherein the remote

handset can adaptively switch between a telephony device and the MPEG audio player. Claims 6, 7, 11, 13-15 and 17 recite, *inter alia*, playing MP3 music from a remote handset of a cordless telephone. Claims 18, 21, 23-25, 27 and 28 recite, *inter alia*, playing pre-loaded MP3 music from a remote handset of a cordless telephone.

As discussed above, neither Borland nor Rostoker, either alone or in combination, disclose, teach or suggest an MPEG audio player integrated within a remote handset or playing MPEG music from a remote handset, as claimed by claims 4-7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28.

The Office Action relies on Razavi to allegedly make up for the deficiencies in Borland and Rostoker to arrive at the claimed invention. The Applicants respectfully disagree.

Razavi appears to teach a dashboard for a vehicle comprising a monitor which displays graphical images depicting dashboard instruments (Abstract). A user may request that music in MP3 format be downloaded for a passenger's entertainment (Razavi, col. 15, lines 13-15).

Razavi's MP3 music is download to a vehicle system. Razavi teaches a vehicle system NOT a telephony system, much less playing MP3 music from a remote handset, as claimed by claims 6, 7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28.

Neither Borland, Rostoker nor Razavi, either alone or in combination, disclose, teach or suggest an MPEG audio player integrated within at least one of a remote handset and a base unit, wherein the remote handset can adaptively switch between a telephony device and the MPEG audio player, as claimed by claims 4 and 5. Neither Borland, Rostoker nor Razavi, either alone or in combination, disclose, teach or suggest playing MP3 music from a remote handset, as claimed by claims 6, 7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28.

Accordingly, for at least all the above reasons, claims 4-7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 8 over Borland, Rostoker, Razavi and Sitnik

In the Office Action, claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Borland in view of Rostoker and Razavi, and further in view of Sitnik, U.S. Patent No. 6,300,880 ("Sitnik"). The Applicants respectfully traverse the rejection.

The Applicants respectfully suggest that the need to combine as many as four (4) separate patents to allegedly arrive at the presently claimed invention is evidence of the non-obviousness of the present invention.

Claim 8 is dependent on claim 6, and is allowable for at least the same reasons as claim 6.

Claim 8 recites, *inter alia*, playing MP3 music from a remote handset of a cordless telephone.

As discussed above, neither Borland, Rostoker nor Razavi, either alone or in combination, disclose, teach or suggest playing MPEG music from a remote handset, as claimed by claim 8.

The Office Action relies on Sitnik to allegedly make up for the deficiencies in Borland, Rostoker and Razavi to arrive at the claimed invention. The Applicants respectfully disagree.

Sitnik appears to teach a multichannel switched communication system having a plurality of communication channels (Abstract). A plurality of mobile receivers, i.e., headphones, each receive a desired broadcast on one of a plurality of channels (Sitnik, Abstract). The music is played in real time as it is received by receivers (Sitnik, col. 11, lines 25-29).

Sitnik's headphones are NOT a remote handset, as claimed by claim 8.

Neither Borland, Rostoker, Razavi nor Sitnik, either alone or in combination, disclose, teach or suggest playing MP3 music from a remote handset, as claimed by claim 8.

Accordingly, for at least all the above reasons, claim 8 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 9, 10, 19 and 20 over Borland, Rostoker, Razavi and Wingate

In the Office Action, claims 9, 10, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Borland in view of Rostoker and Razavi, and further in view of Wingate, U.S. Patent No. 6,006,115 ("Wingate"). The Applicants respectfully traverse the rejection.

The Applicants respectfully suggest that the need to combine as many as four (4) separate patents to allegedly arrive at the presently claimed invention is evidence of the non-obviousness of the present invention.

Claims 9, 10, 19 and 20 are dependent on claims 6 and 18 respectively, and are allowable for at least the same reasons as claims 6 and 18.

Claims 9, 10, 19 and 20 recite, *inter alia*, playing MP3 music from a remote handset.

As discussed above, neither Borland, Rostoker nor Razavi, either alone or in combination, disclose, teach or suggest playing MPEG music from a remote handset, as claimed by claims 9, 10, 19 and 20.

The Office Action relies on Wingate to allegedly make up for the deficiencies in Borland, Rostoker and Razavi to arrive at the claimed invention. The Applicants respectfully disagree.

Wingate appears to teach wireless headphones that receive radio frequency transmissions from a sound system to provide music to a user (Abstract). A telephone base unit broadcasts notification of incoming phone calls to the wireless headphones (Wingate, Abstract).

Wingate's playing music from headphones is NOT playing music from a remote handset, much less playing MP3 music from a remote handset, as claimed by claims 9, 10, 19 and 20.

Neither Borland, Rostoker, Razavi nor Wingate, either alone or in combination, disclose, teach or suggest playing MP3 music from a remote handset, as claimed by claims 9, 10, 19 and 20.

Accordingly, for at least all the above reasons, claims 9, 10, 19 and 20 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 12 and 22 over Borland, Rostoker, Razavi and Bartlett

In the Office Action, claims 12 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Borland in view of Rostoker and Razavi, and further in view of Bartlett, U.S. Patent No. 5,519,762 (“Bartlett”). The Applicants respectfully traverse the rejection.

The Applicants respectfully suggest that the need to combine as many as four (4) separate patents to allegedly arrive at the presently claimed invention is evidence of the non-obviousness of the present invention.

Claims 12 and 22 are dependent on claims 6 and 18 respectively, and are allowable for at least the same reasons as claims 6 and 18.

Claims 12 and 22 recite, *inter alia*, playing MP3 music from a remote handset.

As discussed above, neither Borland, Rostoker nor Razavi, either alone or in combination, disclose, teach or suggest playing MPEG music from a remote handset, as claimed by claims 12 and 22.

The Office Action relies on Bartlett to allegedly make up for the deficiencies in Borland, Rostoker and Razavi to arrive at the claimed invention. The Applicants respectfully disagree.

Bartlett appears to teach a cordless telephone that provides for improved conservation of battery power in a handset unit (Abstract).

Bartlett fails to mention MP3 music, much less playing MP3 music from a remote handset, as claimed by claims 12 and 22.

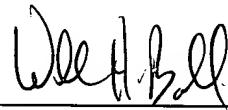
Neither Borland, Rostoker, Razavi nor Bartlett, either alone or in combination, disclose, teach or suggest playing MP3 music from a remote handset, as claimed by claims 12 and 22.

Accordingly, for at least all the above reasons, claims 12 and 22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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